



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

220

CRM-M No.49367 of 2025 (O&M)

Date of Decision:10.09.2025

Sushil and another

.....Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr.Kanwaljeet Singh Brar, Advocate for the petitioners.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 115, 140(3), 190, 191(2), 351(2) of BNS and Sections 115(2) & 127(2) of BNS (added later on), FIR No. 380 dated 22.07.2025, has been lodged in Police Station City Sirsa, District Sirsa. The petitioners are being prosecuted for the commission of above mentioned offences and they have been arrested. The petitioners are in custody and, therefore, craving for the benefit of bail. This is first petition, filed by the petitioners, under Section 483 of BNSS.

2. In nutshell, the allegations contained in the FIR are that on 22.07.2025 the complainant got a call from his brother Pardeep (the victim) that the person, named Surender was quarreling with him at Lal Bati Chowk, Sirsa. According to complainant, in response to above mentioned call he went to Lal Bati Chowk Sirsa on his motorcycle at about 02.30 P.M. and that in his presence, the accused Vasdev, Sushil Kumar, Sonu and Gandhi came in a Alto



car bearing No. HR-51-BQ-6841 and forcibly kidnapped his brother in the car. As per complainant he tried to rescue his brother and chased the vehicle but could not be successful as there was less petrol in the motorcycle. The complainant has further alleged that thereafter he went to his house and found that his brother was missing and then called police, at the helpline number 112.

3. Notice of motion.

4. Since advance notice has already been served, Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana, appears on behalf of respondent-State, and waives service.

5. Learned State Counsel has filed custody certificate of the petitioners. The same be taken on record. The learned State counsel has opted not to file a formal reply to the petition. However, he has orally opposed the present petition.

6. Heard.

7. It has also been contended by learned counsel for the petitioners that on the same day a complaint was moved by the sister of one of the co-accused namely Om Parkash, before the Police with the allegations that she was subjected to eve teasing by the brother of complainant namely Pardeep and two other boys namely Sandeep and Satbir. As per learned counsel for the petitioners despite the fact that serious allegations were made in the complaint, the police did not take any action.

8. It has been further contended on behalf of the petitioners that petitioners are innocent having no nexus, whatsoever, with the commission of offence. As per learned counsel for the petitioners, the petitioners have already



suffered sufficient incarceration for being in custody for a period of 1 and ½ month. It has also been argued by learned counsel for the petitioners that nothing is left to be recovered from the possession of the petitioners and that release of the petitioners on bail is not likely to cause any prejudice to the prosecution case.

9. Per contra, learned State counsel has argued that allegations against the petitioners are very serious in nature and if the petitioners are released on bail, they are likely to influence the witnesses.

10. The record has been perused carefully.

11. With regard to facts and circumstances of present case it is relevant to note that the bare perusal of contents of FIR shows that for the first time the matter was reported by the complainant to the police at 11.30 A.M i.e. after a gap of almost 9 hours. It is very strange in view of the fact that the kidnapping of brother of complainant had taken place in his presence and he took 9 hours in reporting the matter to the police, despite the fact that the place of kidnapping and police station are situated in the same town.

12. A perusal of record shows that in the present case, for the decision of present bail application, following are the factors which are relevant for arriving at any conclusion: -

- (1) that both the petitioners are already in custody for a period of more than 1 and ½ months;
- (2) that nothing is left to be recovered from the possession of accused;
- (3) that the trial and investigation are not likely to be concluded in near future;
- (4) that the offences allegedly committed by the petitioners are



triable by the Magistrate;

- (5) that detaining of petitioners in the judicial lock up is not likely to serve any purpose;
- (6) that petitioner No.1 has no criminal antecedent however petitioner No.2 has only one case, i.e. a case for the commission of offence under Sections 323, 324, 326, 341, 506 and 34 IPC, Police Station Nathusarai Chopta, Sirsa against him.

13. If cumulative effect of all the above mentioned factors is taken into consideration it leads to a conclusion that the petitioner is entitled for the benefit of bail.

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

10.09.2025

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No